

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NOS. 6687 OF 1995 TO 6695 OF 1995

For Approval of Signature :

Hon'ble MR. JUSTICE N.J. PANDYA and Sd/-

MR. JUSTICE A.R. DAVE Sd/-

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1. Whether Reporters of Local Papers may be allowed  
to see the judgments ?

2. To be referred to the Report or not ?

3. Whether Their Lordships wish to see the fair copy  
of the judgment ?

4. Whether this case involves a substantial question  
of law as to the interpretation of the  
Constitution of India, 1950 or any Order made  
thereunder ?

5. Whether it is to be circulated to the Civil  
Judge ?

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Appearance :

Mr M.R. Anand, Govt. Pleader with Mr M.R. Raval, A.G.P.  
for the Appellants.

Mr A.J. Patel, Advocate for the Respondent.  
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Coram : N.J. PANDYA & A.R. DAVE, JJ.

Date of Decision : 3rd August, 1996

ORAL JUDGMENT : (Per Pandya, J.)

Admit. With the consent of the parties, the  
appeals are taken up for final hearing. For the  
respondent claimant, learned Advocate Mr A J Patel  
appears.

2. It seems that the Reference Court had before it  
two earlier orders of that very Reference Court before  
it. These reference cases are 438/86 to 456/86 where  
reference case No. 439/86 was treated as the main  
reference case. Certified copies of that judgment was  
produced before the trial Court as Exh. 26.

3. The second judgment produced at Exh. 25 was  
given in Land Reference Case Nos. 386/89 to 391/89, the

main case being Land Reference Case No. 386/89.

4. In fact, the matter from which the present appeals arise and Exh. 26 are of the year 1983. The matter covered by judgment Exh. 25 is of the year 1983. By this, we mean that the notifications under section 4 were issued in the aforesaid calendar years.

5. In the instant case, section 4 notification is dated 7.5.1983 while the notification under section 4 relating to Exh. 26 is dated 11.8.1983. Likewise, for Exh. 25 the notification under section 4 is dated 7.10.1982.

6. The acquisition is for the purpose of Karjan Irrigation Project and its canal in all the three matters.

7. In the instant case, by award dated 28.5.1984 the Land Acquisition Officer had granted Rs. 0.75 per sq.mtr. while the claim was for Rs.10/- per sq.mtr. On reference, the trial Court granted Rs.5/- per sq.mtr.

8. The learned Extra Assistant Judge, Bharuch had before him the aforesaid two earlier awards Exh. 26 and 25 of Bharuch Court itself. Obviously, the acquisition in all the three matters being for one and the same project, the lands under acquisition are from the same Taluka Nandod of District Bharuch. The learned trial Judge was right in placing reliance of these two judgments.

9. In paragraphs 8 and 9 of the judgement, this aspect has been discussed and certified copies of those judgments Exh. 25 and 26 are also produced before us. The amount awarded in the earlier awards as per Exh. 25 and 26 appears to be slightly higher than what the learned trial Judge has given in the instant case.

10. Out of the aforesaid two judgements, judgment Exh. 26 was challenged by way of First Appeal No. 1892/90 and that appeal came to be dismissed by a Division Bench of this Court (Coram : R.A. Mehta & D.G. Karia, JJ.) on 16.1.1991.

11. Obviously, therefore, the trial Court had a very safe guide before it and having placed reliance on such sure material, we would not like to interfere with the same.

12. In the net result, the appeals will have to be

dismissed. Accordingly the appeals are dismissed. Award of the trial Court is confirmed.

13. The amount as per the award of the trial Court be deposited within a period of six weeks from today.

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